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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICKY JAMES THOMAS,) No. C 11-4714 RMW (PR)
Plaintiff,) ORDER OF DISMISSAL
v.)
UNKNOWN,)
Defendants.)

On September 21, 2011, plaintiff, currently housed at the Santa Rita County Jail, and proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On October 19, 2011, plaintiff filed a letter requesting to withdraw his complaint. The court construes plaintiff's letter as a request for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Plaintiff may voluntarily dismiss his complaint without a court order if he files his notice before defendants serve an answer or motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(i); American Soccer Co. v. Score First Enters., 187 F. 3d 1108, 1110 (9th Cir. 1999) (noting that a plaintiff has an "absolute right" to dismiss his action voluntarily before defendant serves an answer or a motion for summary judgment). Accordingly, this action is DISMISSED without prejudice. The clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: 33B9B3


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICKY JAMES THOMAS,

Case Number: CV11-04714 RMW

Plaintiff,

CERTIFICATE OF SERVICE

v.

SANTA RITA COUNTY JAIL et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 17, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ricky James Thomas
Santa Rita County Jail
UKE 744
5325 Broder Boulevard
Dublin, CA 94568

Dated: November 17, 2011

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk